



5.

**Code of Conduct for Commissioners
And Appointed Officials, Ex. B hereto**



THE KAYENTA TOWNSHIP

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Continuing the legacy of brilliant leadership through local empowerment since 1986.



Resolution No: KTCF-5-15

Adopting a Code of Conduct for Commissioners and Officials of the Kayenta Township

WHEREAS:

1. The Kayenta Township Commission ("Commission") is a home-rule municipality of the Navajo Nation with the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township, *see* 2 N.N.C. §§ 4081-4086 (2005); and

2. As the Township grows and prospers, it has become more involved with commercial developments and governmental improvements involving significant sums of money, and Commissioners and other officials of the Township (including the Town Manager, Finance Manager, and any other official or employee of the Township, collectively herein, "Officials") may be faced with situations where their personal or familial interests could be affected by deliberations on and decisions made within the scope of their authorities or responsibilities; and

3. The Township has indeed succeeded in recent years, but that success has not been without criticism that certain Officials have acted (or failed to act) in a manner that has created conflicts of interest of appearance of impropriety; and

4. In establishing the Township and the Commission, the Navajo Nation Council emphasized the need for Township Officials to adhere strictly to all applicable ethical standards; and

5. The Commission has heard the recommendation of the Town Manager, has independently discussed the need for a Code of Conduct applying to all Officials to clarify and augment the laws and regulations that specify standards of conduct for Township Officials, have considered the proposed Code of Conduct attached hereto as Exhibit "A," and have determined that such Code of Conduct should be adopted.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby approves and adopts the Code of Conduct attached hereto as Exhibit "A."

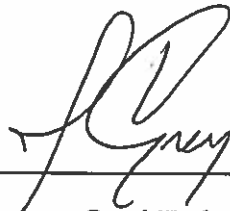
2. The Town Manager is hereby authorized and directed to make such formatting and other technical and non-substantive changes to such Code of Conduct so that it conforms to similar regulations and policies adopted by this Commission, including without limitation inclusion into the Township's Handbook of Personnel Policies and Procedures in the Town Manager's discretion.

3. In any event, the Town Manager is directed to provide copies of the Code of Conduct (as it may be reformatted) to all employees of the Township and to each member of this Commission.

Certification

I hereby certify that the forgoing resolution was considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, and 0 abstained, this 15th day of February 2015.

Motion: Commissioner Grey
Second: Commissioner Seaton



Chairperson, Carol Todecheene
Kayenta Township Commission

KTC Code of Conduct Rules and Regulations

Section 2.101 Authority; Purpose; Intent

A. The KTC promulgates these rules and regulations pursuant to Section 1-106(C)(1) of the Home Rule Ordinance and Section 2-107(F) of the Administrative Rules and Procedure Ordinance.

B. The purpose of these rules and regulations is to ensure that Commissioners and officials understand and affirm that they sit in a fiduciary capacity in relation to the Township and agree to conform their conduct to the most exacting fiduciary standards, including without limitation the duties to act in the best interest of the Township, to refrain from self-dealing and to maintain the confidentiality of the Township's documents, data, plans, strategies, personnel matters, financial status and reports, and similar confidential or proprietary matters, subject to the requirements of applicable Navajo and federal law.

Section 2.102 Code of Conduct

Every duly-elected member of the Kayenta Township Commission or appointed official of the Kayenta Township shall understand and comply with all applicable Kayenta Township ordinances, rules and regulations, which include the Administrative Rules and Procedures Ordinance, §§ 2-101 through 2-107, and these Code of Conduct Rules and Regulations. Each such member or official shall attest to his or her understanding of these ordinances, rules and regulations by reading, understanding and signing the following Code of Conduct for Commissioners and Appointed Officials:

CODE OF CONDUCT FOR COMMISSIONERS AND APPOINTED OFFICIALS

As a duly-elected member of the Kayenta Township Commission or appointed official of the Kayenta Township, I agree to uphold the Code of Conduct for elected and appointed officials adopted by the Township. I also agree to comply with all applicable provisions of the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741 *et seq.* (November 2007) and the Regulations and Standards of Conduct for Elected Officials of the Navajo Nation, ERC-08-001 (effective January 4, 2008), as such authorities may be amended from time to time.

I, _____, will:
(Print Name)

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual Commissioners, Township staff and the public are free to express their ideas constructively and in accordance with any other relevant policy of the Township, and to work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others; Respect the dignity and privacy of individual and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct which is divisive or harmful to the best interests of the Township; Avoid any conflicts of interest (or the appearance of same) between any personal relationships or economic interests I may have with the Kayenta Township;

Treat all people I come into contact with in the way I wish to be treated.

I affirm that I have read, understand and will abide by the Kayenta Township Code of Conduct, that I will read and abide by all amendments to this Code, and that I will strive to conduct myself in accordance with the Code.

Signature

Date

Position

Section 2.103 Overview of Roles and Responsibilities

A. The following is intended as a basic guideline for protocol in meetings. It is not intended to be all inclusive.

1. Township Commissioners

All Commission members should be treated with equal respect and should:

- a. Fully participate in meetings and other public forums with respect, consideration and courtesy to others.
- b. Prepare in advance of the meetings and be familiar with the issues on the agenda.
- c. Be respectful of others' time. Stay focused and act efficiently at meetings.
- d. Inspire public confidence in the Township government.
- e. Provide information relevant to the meeting when absent and provide contact information in case an emergency or urgent situation arises.
- f. Demonstrate honesty and integrity.

2. Former Commissioners

Past Commission members who speak to the current body concerning a pending issue should identify whether they are speaking in an individual capacity or on behalf of an named organization or entity.

Section 2.104 Conflicts of Interest and Appearance of Impropriety

A. Conflicts of Interest

1. Township Commissioners and officials owe an absolute duty of loyalty and undivided allegiance to the Township and are required to avoid the possibility of conflict between their personal and private interests and their role as public officials. Even a small or indirect conflict of interest can put a Commissioner or official in a compromising situation where his or her exercise of official judgment could be influenced by personal considerations rather than the public good. This is especially true with regard to financial interests and the public has a right to be assured that the financial interests of its public officials do not conflict with the public trust. Conflicts of interest also arise when a Commissioner or official acts on or participates in matters which involve family members (including aunts, uncles, nieces, nephews or cousins).
2. Specific legal prohibitions govern conflicts of interest. These include the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3471 *et seq.*, and the Regulations and Standards of Conduct for Elected Officials of the Navajo Nation, ERC-08-001 (effective January 4, 2008), as such authorities may be amended from time to time.
3. No Township Commissioner or official shall engage in any conduct which could result in or create the appearance of conflict of interest as prohibited by the Ethics in Government Law, including 2 N.N.C. §§ 3745-3746, or the Regulations and Standards of Conduct for Elected Officials, including Section 4(B). All Township Commissioners and officials shall fully comply with 2 N.N.C. §§ 3748 and 3749 regarding abstention from official action and contract restriction and bid requirements.
4. In addition to applicable Navajo Nation law and regulations, the following provisions apply to all Township Commissioners and officials. The purpose is to avoid circumstances where there are questions about whether a Commissioner or official is exercising independent judgment in the best interests of the public.
5. When a Commissioner or official has a conflict of interest, or the appearance of a conflict of interest, he or she must:
 - a. Immediately disclose the conflict in the official record; and
 - b. Disqualify herself or himself from participating in any manner as a Commissioner or official in a decision on a matter where there is a conflict of interest or the appearance of a conflict of interest.
 - c. Some conflicts of interests are so significant that disclosure and disqualification from participation in the matter are not sufficient. These might include, but are not limited to, the failure of a Commissioner or official to comply with Township ordinances or other applicable law, the filing of a lawsuit by a Commissioner or official against the Township, and conduct which is divisive or harmful to the best interests of the Township.

B. Appearance of Impropriety

1. Commissioners and officials shall serve without the appearance of impropriety.
2. Commissioners or officials who fail to conduct their personal and public affairs with honesty, integrity, fairness and respect for others may be viewed as lacking the ability to exercise independent judgment in the best interest of the Township. This could create the appearance of impropriety. Occurrences such as arrest, conviction of a criminal offense, acting on or

participating in matters which involve family members (including aunts, uncles, nieces, nephews or cousins), or failure to comply with applicable law and regulations may create the appearance of impropriety.

3. Commissioners or officials who engage in conduct which is divisive or harmful to the best interests of the Township create an appearance of impropriety.

Section 2.105 Commissioner Conduct

The Commission is comprised of individuals with a wide variety of backgrounds, personalities, values, opinions and goals. All have chosen to serve in public office to preserve, protect and benefit the Township. This common goal should be acknowledged even when Commissioners “agree to disagree” on issues.

A. In Public Meetings

1. Use Formal Titles

Refer to one another in public meetings by title followed by the individual’s last name.

2. Civility and Decorum in Discussions and Debate

Difficult questions, challenges to particular points of view, and criticism or items and information are legitimate elements of democratic government. Commissioners may not speak or act in a way that is belligerent, slanderous, threatening, abusive, or insulting. Threatening verbal and physical conduct is prohibited.

3. Demonstrate Effective Problem Solving

Public meetings allow Commissioners to demonstrate that individuals with different points of view can find common ground and seek compromise benefitting the Township as a whole.

B. In Private Encounters

1. Continue Respectful Behavior

Maintain the same level of respect and consideration of differing points of view in private conversations of Township affairs as in public discussions.

2. Be Aware of Public Nature of Written Notes, Voicemail Messages, Texts, Digital Photographs, and Email

Written or spoken words and images can now be distributed far and wide without the knowledge or consent of the sender. All such communications should be regarded as potentially public.

3. Private Conversations Can Have Public Presence

Elected officials are almost always in the public eye. Their actions, mannerisms and language are monitored by people around them that they may not know. Lunch table conversations can be overheard, parking lot debates watched, and casual comments between individuals noted both before and after public meetings.

4. Social Media

It is inappropriate for Commissioners to comment on public business or Township officials and employees on private social media outlets such as (but not limited to) blogs, Twitter, Facebook, Instagram, you tube, Vines or Linked In.

C. Conduct with Staff

Township governance relies on the cooperative efforts of elected officials, who set policy, and Township staff, who are charged with implementing and administering those policies. Respect for staff and their duties requires that Commissioners:

1. Treat all staff as professionals

2. Do not disrupt staff to have your individual needs met when they are in meetings, on the phone or otherwise performing their job functions.
3. Do not publicly criticize Township employees. Share concerns about a Township's employee performance only with the Town Manager.
4. Leave day-to-day operations to Township staff. Day-to-day operations include making appointments, dealing with constituents and consultants, processing applications or issuing approved licenses or leases, and deciding on enforcement actions.
5. Consult with the Town Manager and any other appropriate Township staff before sending any official Township response to determine if an official Township response has already been sent or is forthcoming, or involves matters in dispute or in litigation. Before finalizing any correspondence in official capacity, consult with Commission Chair and, if directed to do so by the Chair or Commission, consult with the Town Manager and/or the Township's attorney.
6. Do not attend meetings with Township staff unless requested to do so by the Town Manager.
7. Do not solicit any kind of political support (campaign contributions, poster or lawn signs, etc.) from Township staff. As private citizens, Township staff may support political candidates of their choosing but all such activities must take place away from the workplace.

D. Conduct with the Public

1. In Public Meetings

- a. Welcome speakers and treat them with respect.
- b. Actively listen.
- c. Avoid debate and argument with the public.
- d. Avoid making personal attacks of any kind against a member of the public.

2. In Unofficial Settings

- a. Make no promises on behalf of the Township. It is inappropriate to overtly or implicitly promise that the Commission will act in a certain way or to promise that Township officials will do something specific (e.g. issue a lease, fix a pothole, favorably consider a specific request, forego taking certain actions).
- b. Refrain from making negative personal comments about Township Commissioners, officials and staff.

Section 2.106 Sanctions

A. Disruptive Members of the Public

Members of the public who do not follow proper conduct in a public forum may be barred from further participation in the public forum if they fail to heed a warning from the Chair that their behavior is improper.

B. Conduct of Commissioners and Officials

Any Township Commissioner (including the Chair) or official who intentionally and repeatedly does not follow proper conduct or protocol, or who the Chair or the Commission reasonably believe has acted or is acting in violation of this Code of Conduct, any Township ordinance, the Navajo Nation Ethics in Government Law or the Regulations and Standards of Conduct for Elected Officials of the Navajo Nation, may be reprimanded or formally censured by the Chair or the Commission. Serious infractions can result in additional sanctions, including a formal request that a Commissioner or official resign his or her position and the filing of a formal complaint by the Chair or the Commission with the Ethics and Rules Committee of the Navajo Nation.